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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,043	08/31/2001	Walter E. Bonin	00-1335	5552

7590                    02/05/2003  
Kaardal & Associates, PC  
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Sioux Falls, SD 57105-5802

EXAMINER	
NGUYEN, HANH N	
ART UNIT	PAPER NUMBER

2834

DATE MAILED: 02/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/944,043	BONIN, WALTER E.
	Examiner	Art Unit
	Nguyen N Hanh	2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
**THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-13 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 13 is/are allowed.  
 6) Claim(s) 1 and 4 is/are rejected.  
 7) Claim(s) 2,3 and 5-12 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 31 August 2001 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
     If approved, corrected drawings are required in reply to this Office action.

- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.  
 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
     a)  The translation of the foreign language provisional application has been received.  
 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. . | 6) <input type="checkbox"/> Other: _____ .                                   |

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: "with in" in page 4, line 24, page 7, line 16, page 9, line 20 and in claim 1, line 14 should be written as ---within---.

It is not clear about the limitation "the head assembly being rotatably coupled to said stanchion opposite said base assembly" as described in page 11, lines 2-3 and claim 5. Under the light of the specification, the Examiner interprets the limitation as "the head assembly being rotatably coupled to said stanchion at the end opposite to said base assembly".

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Trigillio.

Regarding claim 1, Trigillio discloses a turbine generator apparatus for generating electricity from solar radiation and wind, the turbine generator apparatus comprising: a base assembly (10 in Fig. 1) having a lower portion (base 12) and an upper portion (the portion on top of base 12), said lower portion being adapted for

resting on a support surface (the roof assembly as described in Col. 2, line 39), said lower portion being, for supporting said upper portion of said base assembly; a solar assembly (Fig. 1 and 2) being coupled to said upper portion of said base assembly, said solar assembly being adapted for collecting solar radiation and converting the solar radiation into electricity; a power storage assembly (162 in Fig. 2 and Col. 7, lines 57-62) being operationally coupled to said solar assembly, said power storage assembly being adapted for storing electricity from said solar assembly, said power storage assembly being positioned with in (within upper surface of base 12) said lower portion of said base assembly such that said lower portion of said base assembly is adapted for protecting said power storage assembly from adverse weather (by wall elements 30-38); and a turbine assembly (as described in claim 1) being coupled to said upper portion of said base assembly, said turbine assembly being adapted for producing electricity from wind, said turbine assembly being operationally coupled to said power storage assembly such that said power storage assembly is adapted for storing electricity produced from said turbine assembly (by means of generator as described in Col. 7, lines 57-62).

Regarding claim 4, Trigillio also discloses a turbine generator apparatus further comprising: said solar assembly comprising a plate portion (152 in Fig. 1 and 2), said plate portion being coupled to said upper portion of said base assembly, said solar assembly comprising a plurality of solar cells (150), each of said solar cells being positioned on an upper surface of said plate portion, each of said solar cells being adapted for converting solar radiation into electricity, each of said solar cells being

operationally coupled to said power storage assembly such that said power storage assembly stores electricity from each said solar cells (Col. 7, lines 37-62).

***Allowable Subject Matter***

3. Claims 13 is allowed.
4. Claims 2,3, 5-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. The following is a statement of reasons for the indication of allowable subject matter: the record of prior art does not show a turbine generator apparatus comprising:

a junction portion, said junction portion being adapted for permitting said solar assembly to be directed towards the sun, said junction portion being adapted for permitting said turbine assembly to be directed into the wind.

a head assembly and a stanchion, said stanchion being coupled to said upper portion of said base assembly such that said stanchion upwardly extends from said solar assembly, said head assembly being rotatably coupled to said stanchion at the end opposite to opposite said base assembly, said head assembly being adapted for being rotated with respect to said stanchion of said turbine assembly when said head assembly is directed into the wind.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh N Nguyen whose telephone number is (703) 305-3466. The examiner can normally be reached on Monday through Friday.

Application/Control Number: 09/944,043  
Art Unit: 2834

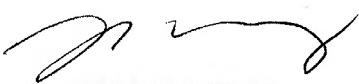
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3431 for regular communications and (703) 305-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

HNN

January 29, 2002



NESTOR RAMIREZ  
SUPERVISORY PATENT EXAMINER  
TECH 13/14/15 01/29/2002